

**REMARKS**

Claims 1-39 are all the claims pending in the application. Reconsideration of the application and allowance of all claims are respectfully requested.

The Background section of the present application describes the conventional arrangement wherein a control facility (e.g., a radio network controller or base station controller) allocates channels to a base station for the base station to use in communication with terminals in its cell. There are also described several known techniques of informing a terminal of the channel(s) to be used for communication. One technique (described at lines 20-25 of page 1) is to have the control facility communicate with a terminal through the base station and inform the terminal of a subset of the channels allocated to the base station which can be used for communication. Another technique (described at lines 5-10 of page 2) is for the control facility not to communicate the channels to the terminal, but instead the base station simply selects an appropriate channel and advises the terminal of the channel to be used. Yet another option (described at lines 23-27 of page 2) is for the base station to communicate the complete list of allocated channels to the terminal over a dedicated communications channel.

The present invention in its broadest aspect is a variation of each of these techniques, and a novel and unobvious combination of selected aspects of each. Instead of having the control facility inform the mobile terminal of a subset of the allocated channels that can be used for communication between the terminal and the base station, as described at lines 10-25 of page 1, the present invention has the control facility advise the terminal of the complete list of allocated channels, and it is the base station that informs the terminal of the subset of allocated channels to

be used. And instead of having the base station inform the terminal of the complete list of allocate channels as described at lines 23-27 of page 2, the present invention has the base station advise the terminal of only the subset of allocated channels to be used.

Simply having the base station advise the terminal of the subset of allocated channels to be used, instead of having the control facility do this, cannot possibly be beyond the skill of the ordinary artisan. Similarly, having the base station use a dedicated channel to advise the terminal of the subset of channels to be used instead of having the base station use a dedicated channel to advise the terminal of the complete list of allocated channels cannot possibly be beyond the skill of the ordinary artisan.

As can be readily seen from the above discussion, there is no individual step in claim 1 which is significantly different from the prior art from an enablement standpoint, and no question as to the enablement requirement of 35 USC 112 being satisfied with respect to claim 1.

The basis for the alleged lack of enablement is that one of ordinary skill in the art would not know how to indicate to the terminal from the control facility the list of shared channels allocated to the base station. As explained above, this is not different from an enablement standpoint from the well-known prior art technique of having the control facility advise the terminal of a subset of the allocated channels. Thus, this step would be well within the skill of the ordinary artisan, and all of claims 1, 19 and 32 are in compliance with 35 USC 112.

Claims 1-9 and 14-39 are rejected as unpatentable over Odenwalder et al in view of Akao and Shurvinton et al. This is the same rejection as earlier stated except that Shurvinton et al is relied on in place of Kayama et al and Wang et al. Claims 1-9 and 14-39 are also rejected as unpatentable over Odenwalder et al, in view of Akao, Kayama et al, well known prior art and

Wang et al. This rejection is the same as stated in the previous Office action. Both of these rejections are traversed for the reasons given in the Amendment filed April 24, 2009, and for the additional reasons given below.

Odenwalder and Akao are discussed in the previous amendment. Odenwalder et al says nothing about a list of channels or the selection from the list, but simply teaches that the system may be TDMA or CDMA, or whatever. Akao teaches assigning a frequency to the destination base station, but again no discussion of a list of channels or selection of a subset from such a list.

The examiner relies on Shurvinton et al to teach allocation of a list of channels to a base station and then having the base station select a subset from that list, but Shurvinton does not teach this. Paragraph [0004] of Shurvinton says that a set of N transmit frequencies and a set of N receive frequencies will be allocated to base stations and mobile stations. But this corresponds to the selected subset of channels in the present invention. It is the set of frequencies to be used by the base station. There is no discussion in Shurvinton of allocating a list of frequencies to the base station and then having the base station choose a subset from the allocated set. Paragraph [0029] simply describes that the base station uses the allocated frequencies to communicate with terminals within its cell, but there is no discussion of selecting a subset of frequencies.

Note that the claimed allocated list of channels cannot be read on all of the 125 channels available for allocation in a GSM system, because this is a design feature of the GSM system and is never “communicated” from the control facility to the base station. The only thing that is communicated to the base station is the set of channels for use by that base station. This is all that Shurvinton et al teaches.

Finally, it is noted that the examiner appears to be asserting that:

(1) It was known in some prior art systems to have a cell use different frequencies to communicate with different terminals within the cell, e.g., all terminals within one sector of the cell would use one set of frequencies, all terminals within another sector of the cell would use a different set of frequencies, etc.

(2) In such a case, it could be considered that the base station has a set of frequencies allocated to it, and uses only a subset to communicate with any given terminal.

(3) In this vein of thought, paragraph [0005] of Shurvinton describes that each cell will have a different set of frequencies allocated to it than an adjacent cell.

(4) This would mean that the base station controller would have to advise each base station of the particular frequencies allocated to it. Then for each communication session, the base station would choose transmit and receive frequencies and would advise the terminal of those. This could be viewed as the selection of a subset of frequencies recited in the present claims.

While applicant may disagree with the above characterization of the prior art, it is sufficient to note that the present claims require that the control facility communicate to the terminal the complete list of allocated channels, and that the base station then communicate a selected subset of those channels to the terminal via a dedicated channel. Shurvinton does not describe the control facility as communicating the allocated channel list to the terminal. It simply describes a set of frequencies assigned to each base station and then the base station using those frequencies to communicate. The examiner has cited to paragraphs 4, 5, 6 and 29 of

Shurvinton, but none of these paragraphs include a discussion of having the control facility inform the terminal(s) of the allocated frequencies.

The concept of the present invention is to have the control facility advise the terminal of a complete set of channels allocated to the base station, and then allow the base station the flexibility to decide which subset of allocated channels it will use, and to communicate that to the terminal. This concept is not found in any of the cited art, taken alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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